

a) 20. The protective helmet according to claim 19, wherein the intermediate connecting piece of the rear strap is semi-rigid, and wherein it is journaled about its point of fastening to the shell in a transverse plane orthogonal to the longitudinal plane of symmetry, so as to be able to assume the shape of the nape of the user's neck.---

REMARKS

Upon entry of the above amendment, claims 10-20 will be pending.

INDEFINITENESS REJECTION

The Examiner rejected claims 5, 6 and 9 under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner was very helpful in pointing out the exact nature of the indefiniteness.

By this Amendment, the claims have been amended to render moot any rejection based on indefiniteness. Accordingly, the Examiner is respectfully requested to withdraw the indefiniteness rejection.

ANTICIPATION REJECTION

Claims 1-4 and 9 were rejected as being anticipated by U.S. patent 2,846,683 to Dye et al (DYE). The Examiner held that DYE teaches a protective helmet 13 including a holding and positioning means as shown in Figure 5. The holding and positioning means includes a plurality of flexible straps 30, 31 and a plurality of pulley devices 32, 34. The holding and positioning means includes a chin strap which is formed by a front strap 30 and a rear strap

31 joining one another in a middle portion. As shown in Figure 4, according to the Examiner, the front strap includes a left and right portion and the rear strap includes a left and right portion. Each left portion is joined at a point of convergence and each right portion is joined at a point of convergence and the points of convergence are attached to one another by buckle 29. The pulley devices 32, 34 adjust the effective length of each of the straps 30, 31.

The above-noted rejection is respectfully traversed as having been rendered moot by cancellation of the rejected claims. Additionally, there is no equivalent counterpart to the pulley device comprising a lever buckle arranged on the straps and a complementary return buckle, as recited in the claims, as amended.

Claims 1-3, 7 and 9 were rejected as being anticipated by U.S. patent 5,983,405 to Casale (CASALE). The Examiner held that CASALE teaches a protective helmet having a shell 5 and a holding and positioning arrangement 1. The holding and positioning arrangement includes flexible straps 13, 17 and a pulley mechanism 7. The holding and positioning arrangement further includes a chin strap 3 which is formed by the convergence on both sides of the helmet of left and right portions of front strap 17 and rear straps 13. A buckle 21 connects the points of convergence on either side of the helmet to one another. Front strap portions include a length adjustment mechanism 15 while rear straps utilize length adjustment mechanism 7. With regard to claim 7, according to the Examiner, pulley mechanism 7 includes an inverted Y-shaped connecting piece that connects the free ends of

the rear strap.

Again, the above-noted rejection is respectfully traversed as having been rendered moot by cancellation of the rejected claims. Additionally, there is no equivalent counterpart to the pulley device comprising a lever buckle arranged on the straps and a complementary return buckle, as recited in the claims, as amended.

In view of the above, there is no need to provide an English language translation of the foreign application for which priority was claimed under 35 U.S.C. 119. However, should the Examiner persist in the rejection over CASALE, an English language translation of the French priority document will be provided.

OBVIOUSNESS REJECTION

Claim 8 was rejected as being unpatentable over CASALE. The Examiner held that CASALE discloses the invention substantially as claimed. However, the pulley mechanism 7 is not disclosed as being semi-rigid. It would have been obvious, according to the Examiner, to form mechanism 7 from a semi-rigid material so that it can conform to a wearer's head as shown in the figures and be durable.

For the reasons explained in detail above, the rejection over CASALE is respectfully traversed. Additionally, there is no equivalent counterpart to the pulley device comprising a lever buckle arranged on the straps and a complementary return buckle, as recited in the claims, as amended.

ALLOWABLE SUBJECT MATTER

Claims 5 and 6 were indicated as being allowable subject to having the indefiniteness rejection overcome and subject to being presented in independent form.

By this Amendment, the indefiniteness rejection has been rendered moot. Additionally, the limitation of a pulley device comprising a lever buckle arranged on the straps and a complementary return buckle, originally recited in claim 5, coupled with the recitations originally found in claim 1 were substantively combined and made part of new independent claim 10. Accordingly, claim 10 is now allowable.

Claims 11 and 12 which are counterparts to original claims 2 and 3, respectively, recite patentable subject matter on their own and are additionally allowable because they depend from claim 10, which should now be allowable.

Claim 13 is a counterpart to original claim 4 and further includes recitation to a lever buckle arranged on the straps and a complementary return buckle, originally recited in claim 5. Furthermore, this claim recites subject matter which renders it patentable separately from independent claim 10. Thus, claim 13 should be allowed.

Claim 14 is a counterpart to original claim 5, except for limitations already incorporated into independent claim 10, from which claim 14 depends. Furthermore, this claim recites subject matter which renders it patentable separately from independent claim 10. Thus, claim 14 should be allowed.

Claims 15-18 are substantive counterparts to original claims 6-9. These claims recite

patentable subject matter on their own and are additionally allowable because they depend from claim 10, which should now be allowable.

Claim 19 includes limitations recited substantively in original claims 1 and 7. These claims were indicated as being allowable, subject to submission of an English language translation of the foreign priority document.

Claim 20 is drawn to the subject matter originally recited in claim 8, except for its dependence on claim 19, which is a substantive counterpart of original claim 7. Accordingly, claim 20 should now be allowable.

CONCLUSION


In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 11-20. The claims have been amended to eliminate any arguable basis for rejection under 35 U.S.C. § 112. In addition, the applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Please charge any additional fees necessary for consideration of the papers filed herein and refund excess payments to Deposit Account No. 19-0089.

Respectfully submitted,
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May 30, 2000
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